



2026:AHC:16364

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 781 of 2026

Rohit Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Asheesh Kumar Tiwari, Ramesh
Kumar Ojha

Counsel for Opposite Party(s) : G.A., Pavan Kumar Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Ramesh Kumar Ojha, learned counsel for the applicant, Sri Pavan Kumar Mishra, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.410 of 2025, under Sections 140(2), 103(1), 238, 315 B.N.S., Police Station Nai Mandi, District Muzaffar Nagar, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is not named in the FIR and has been falsely implicated in the present case. His name has been added by the informant at the stage of his statement recorded under Section 180 B.N.S.S. The applicant has nothing to do with the said offence. There is no criminal history of the applicant. The applicant is languishing in jail since 10.09.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the CDR indicates that the applicant was in regular conversation with the deceased as he had talked to the deceased about 11 times, as such, he is not entitled for

bail.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the applicant is not named in the FIR and his name has come up subsequently in the statement of the informant recorded under Section 180 B.N.S.S., and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Rohit Kumar**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 22, 2026
(Ravi Kant)